

LATHAM & WATKINS LLP

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(Isle Of Man) Nominees Limited*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC and
Bernard L. Madoff,

Plaintiff,

v.

ABN AMRO FUND SERVICES (ISLE OF MAN)
NOMINEES LIMITED, f/k/a Fortis (Isle of Man)
Nominees Limited, PLATINUM ALL WEATHER
FUND LIMITED, and ODYSSEY,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 12-01697 (SMB)

**DEFENDANT ABN AMRO FUND
SERVICES (ISLE OF MAN)
NOMINEES LIMITED'S
COUNTER-DESIGNATION OF
ADDITIONAL ITEMS TO BE
INCLUDED IN THE RECORD
ON APPEAL**

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, Defendant ABN AMRO Fund Services (Isle of Man) Nominees Limited, f/k/a Fortis (Isle of Man) Nominees Limited (“ABN AMRO”), by and through its undersigned counsel, respectfully submits the following counter-designation of items to be included in the record (“ABN AMRO’s Counter-Designation”) with respect to Irving H. Picard’s (the “Trustee”) appeal in the above captioned adversary proceeding of the Stipulated Final Order Granting Motion to Dismiss Complaint (ECF No. 120) (the “Final Judgment”)¹ before the United States Court of Appeals for the Second Circuit (the “Court of Appeals”) or, if the Court of Appeals does not accept jurisdiction, the United States District Court for the Southern District of New York.

COUNTER-DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL²

1. All items designated or to be designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Final Judgment, including, without limitation, the items designated in the Trustee’s Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal (ECF No. 123);
2. The Certification of Direct Appeal to Court of Appeals (ECF No. 125); and
3. The April 8, 2016 Letter on Behalf of the Subsequent Transferee Defendants in Response to Mr. Sheehan’s April 7, 2016 Letter (*Secs. Inv. Protection Corp. v. Bernard L. Madoff Inv. Secs., LLC*, Adv. Pro. No. 08-01789 (SMB), ECF No. 13070).

¹ Unless otherwise stated, citations to (ECF No. __) refer to docket entries in the proceeding captioned *Picard v. ABN AMRO Fund Services (Isle of Man) Nominees Limited*, Adv. Pro. No. 12-01697 (Bankr. S.D.N.Y.).

² Items designated include all exhibits and submissions attached thereto and, as to hearing transcripts, any and all documents admitted into evidence.

RESERVATION OF RIGHTS

ABN AMRO expressly reserves the right to supplement the record on appeal or cross-appeal and to adopt the designation of any items designated or counter-designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Final Judgment.

Dated: April 11, 2017
New York, New York

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